

TIAO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re: Reg. No.: 2,791,980
Trademark: DON DIEGO SANTA

Casa Tequilera De Arandas SA de CV KM :

Petitioner :

v. :

Cancellation No. 92044228

Proalti S.A. de C.V. :

Registrant. :

ANSWER TO PETITION FOR CANCELLATION

Registrant, Proalti S.A. de C.V., by and through its attorney, hereby answers the
Petition for Cancellation filed by Petitioner, Casa Tequilera De Arandas SA de CV KM, as
follows:

1. Registrant denies that Registration No. 2,791,980 is based on use of the mark
in commerce since July 2003. Registration admits the remaining allegations of Paragraph 1.
2. Registrant is without knowledge or information sufficient to form a belief as to
the truth of the allegations of Paragraph 2, and therefore denies the same.
3. Registrant is without knowledge or information sufficient to form a belief as to
the truth of the allegations of Paragraph 3, and therefore denies the same.
4. Registrant is without knowledge or information sufficient to form a belief as to
the truth of the allegations of Paragraph 4, and therefore denies the same.
5. Registrant is without knowledge or information sufficient to form a belief as to
the truth of the allegations of Paragraph 5, and therefore denies the same.



6. Registrant admits the allegations in Paragraph 6 to the extent they relate to Registrant's exclusive right to the trademark DON DIEGO SANTA for tequila. Registrant is without knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph 6 and therefore denies the same.

7. Registrant denies the allegations of Paragraph 7.

8. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8, and therefore denies the same.

9. Registrant admits that the specimen filed in Registration No. 2,791,980 displays Tequilas del Señor, S.A. de C.V., as the producer and bottler of its DON DIEGO SANTA brand tequila. Registrant also admits that the specimen filed in Registration No. 2,791,980 displays Falcon Busto Importers, Inc. as the importer of its tequila. Registrant is without knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph 9, and therefore denies the same.

10. Registrant admits that it received a COLA bearing the DON DIEGO SANTA mark in 2002. Registrant admits that it did not receive any COLAs bearing the DON DIEGO SANTA mark after 2002. Registrant is without knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph 10, and therefore denies the same.

11. Registrant denies the allegations of Paragraph 11.

WHEREFORE, Registrant respectfully requests that the Petition for Cancellation
be denied.

Respectfully submitted,

FOLEY & LARDNER LLP

Dated: April 4, 2005

By Richard J. McKenna

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Attorney for Registrant

CERTIFICATE OF MAILING

I, Linda Adams, hereby certify that this document, pursuant to 37 C.F.R. § 1.8, is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the United States Patent and Trademark Office; Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, on this 4th day of April, 2005.

Linda Adams

CERTIFICATE OF SERVICE

I, Linda Adams, hereby certify that a copy of this document is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Adam K. Sacharoff, Much Shelist Freed Denenberg Ament & Rubenstein, PC, 191 N. Wacker Drive, Suite 1800, Chicago, IL, 60606, counsel for the Petitioner, on this 4th day of April, 2005, for service upon Petitioner.

Linda Adams